

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KEITH HOWARD,)	
)	
Plaintiff,)	
)	
v.)	No. 08-2059-STA-dkv
)	
CARGILL, INC.,)	
)	
Defendant.)	

**ORDER ADOPTING THE MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION DENYING DEFENDANT CARGILL’S MOTION TO DISMISS
AS A DISCOVERY SANCTION AND GRANTING IN PART DEFENDANT’S MOTION
TO COMPEL AND FOR SANCTIONS**

Pursuant to an order of reference, United States Magistrate Judge Dianne K. Vescovo entered her Report and Recommendation Denying Defendant Cargill’s Motion to Dismiss as a Discovery Sanction and Granting in Part Defendant’s Motion to Compel and for Sanctions (D.E. # 70) filed on May 19, 2009. The parties have not filed objections to the Report and Recommendation. The Court hereby adopts the Magistrate Judge’s Report and Recommendation pursuant to Fed. R. Civ. P. 72(b)(3). Consistent with the Report and Recommendation, Defendant’s Motion to Dismiss as a Discovery Sanction is **DENIED** and Defendant’s Motion to Compel and for Sanctions is **GRANTED IN PART**.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE
Date: July 29, 2009